



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG - 8 2017

OFFICE OF WATER

The Honorable John J. Faso  
House of Representatives  
Washington, D.C. 20515

Dear Congressman Faso:

Thank you for your June 27, 2017, letter to the U.S. Environmental Protection Agency, providing recommendations for the EPA to consider with regards to perfluoroalkyl substances, including perfluorooctanoic acid and perfluorooctane sulfonate. Your letter requests that the agency take action under the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act and the Toxic Substances Control Act, and this response discusses each of these statutes in turn.

With respect to SDWA, in 2016, the agency established health advisories for PFOA and PFOS based on the EPA's assessment of the latest peer-reviewed science, to provide drinking water system operators and state, tribal and local officials, who have the primary responsibility for overseeing these systems, with information on the health risks of these chemicals so they can take the appropriate actions to protect their citizens.

The agency is evaluating PFOA and PFOS as drinking water contaminants in accordance with the process required by SDWA. To regulate a contaminant under SDWA, the agency must find that: (1) it may have adverse health effects; (2) it occurs frequently (or there is a substantial likelihood that it occurs frequently) at levels of public health concern; and (3) there is a meaningful opportunity for health risk reduction for people served by public water systems.

The agency included six perfluorinated compounds among the contaminants for which water systems were required to monitor under the third Unregulated Contaminant Monitoring Rule in 2012. Results of this monitoring effort can be found on the EPA's publicly-available National Contaminant Occurrence Database (NCOD) at <https://www.epa.gov/dwucmr/national-contaminant-occurrence-database-ncod>. In accordance with SDWA, the agency will consider the occurrence data from UCMR 3, along with health assessment information, to make regulatory determinations on whether to initiate the process to develop national primary drinking water regulations.

With respect to CERCLA, the agency does not plan to add PFOA or PFAS to its list of hazardous substances under CERCLA. The agency can, nonetheless, undertake CERCLA fund-led cleanups where a release or threat of a release may present an imminent and substantial danger to public health and the environment. In addition, if there is a release or threatened release of a hazardous substance comingled with other pollutants/contaminants, CERCLA's broad enforcement and cost recovery authorities should be available for cleaning up both contaminants. Moreover, the agency may consider using other

authorities, such as the Resource Conservation and Recovery Act (e.g., section 7003) and SDWA, to respond to PFAS contamination depending on site- or situation-specific circumstances.

Finally, with respect to TSCA, the agency has taken a number of actions to reduce exposure to PFOA. The agency has worked with individual companies to phase out many of these chemicals, and in 2000, 2002, 2006, and 2015, published regulations under TSCA restricting the return of any of these phased-out chemicals to the U.S. market without EPA review. In January 2006, the EPA initiated the 2010/2015 PFOA Stewardship Program, and obtained commitments from the leading global companies to reduce PFOA and related chemical emissions and product content by 95% by 2010, and to eliminate them by 2015.

As you note in your letter, the Frank R. Lautenberg Chemical Safety for the 21st Century Act establishes new requirements under section 6 of TSCA for prioritizing existing chemicals for evaluation and taking action where risks are identified. Consistent with the amended TSCA, the EPA will evaluate whether the remaining ongoing uses of PFOA or related chemicals are a high priority for assessment. If the EPA's assessment of remaining PFOA's or related chemicals' uses indicates risk, the EPA will take action to address the risk.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at [Klasen.Matthew@epa.gov](mailto:Klasen.Matthew@epa.gov) or (202) 566-0780.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael H. Shapiro". The signature is fluid and cursive, with the first name "Michael" and last name "Shapiro" clearly distinguishable.

Michael H. Shapiro  
Acting Assistant Administrator





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OFFICE OF WATER

The Honorable Peter Welch  
House of Representatives  
Washington, D.C. 20515

Dear Congressman Welch:

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Michael H. Shapiro  
Acting Assistant Administrator